

**DEPARTMENT OF EDUCATION
SPECIAL EDUCATION PROGRAMS**

**Eagle Butte School District
Accountability Review - Focus Monitoring Report 2007-2008**

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Dates of On Site Visit: December 11 and 12, 2007

Date of Report: January 2, 2008

3 month update: April 2, 2008

6 month update: July 2, 2008

9 month update: October 2, 2008

Program monitoring and evaluation.

In conjunction with its general supervisory responsibility under the Individuals with Disabilities Education Act, Part B, Special Education Programs (SEP) of the Office of Educational Services and Support shall monitor agencies, institutions, and organizations responsible for carrying out special education programs in the state, including any obligations imposed on those agencies, institutions, and organizations. The department shall ensure:

- (1) That the requirements of this article are carried out;
- (2) That each educational program for children with disabilities administered within the state, including each program administered by any other state or local agency, but not including elementary schools and secondary schools for Indian children operated or funded by the Secretary of the Interior:
 - (a) Is under the general supervision of the persons responsible for educational programs for children with disabilities in the department; and
 - (b) Meets the educational standards of the state education agency, including the requirements of this article; and
- (3) In carrying out this article with respect to homeless children, the requirements of the McKinney-Vento Homeless Assistance Act, as amended to January 1, 2007, are met. (Reference-ARSD 24:05:20:18.)

State monitoring--Quantifiable indicators and priority areas.

The department shall monitor school districts using quantifiable indicators in each of the following priority areas, and using such qualitative indicators as are needed to adequately measure performance in those areas:

- (1) Provision of Free Appropriate Public Education (FAPE) in the least restrictive environment;
 - (2) Department exercise of general supervision, including child find, effective monitoring, the use of resolution meetings, mediation, and a system of transition services as defined in this article and article 24:14; and
 - (3) Disproportionate representation of racial and ethnic groups in special education and related services, to the extent the representation is the result of inappropriate identification. (Reference-ARSD 24:05:20:18:02.)
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State enforcement -- Determinations.

On an annual basis, based on local district performance data, information obtained through monitoring visits, and other information available, the department shall determine whether each school district meets the requirements and purposes of Part B of the IDEA...

Based upon the information obtained through monitoring visits, and any other public information made available, special education programs of the Office of Educational Services and Support determines if the agency, institution, or organization responsible for carrying out special education programs in the state:

- Meets the requirements and purposes of Part B of the Act;
- Needs assistance in implementing the requirements of Part B of the Act'
- Needs intervention in implementing the requirements of Part B of the Act; or
- Needs substantial intervention in implementing the requirements of Part B of the Act. (Reference-ARSD 24:05:20:23.04.)

Deficiency correction procedures.

The department shall require local education agencies to correct deficiencies in program operations that are identified through monitoring as soon as possible, but not later than one year from written identification of the deficiency. The department shall order agencies to take corrective actions and to submit a plan for achieving and documenting full compliance. (Reference-ARSD 24:05:20:20.)

FAPE IN THE LEAST RESTRICTIVE ENVIRONMENT

Follow-up: None

Finding: None

GENERAL SUPERVISION (1)

Present levels:

ARSD 24:05:17:03 Annual report of children served

The district does not have documentation to verify services were being provided to five students listed on the district's 2004 child count. The district did not submit the IEP front page with the other child count information and the monitoring team attempted to check the files without success during the onsite review. The Department of Education will withhold from the district the Individual with Disabilities Education ACT (IDEA) funds for the misclassified student.

Follow-up: December 11 and 12, 2007

Finding: Meets Requirement

Through file reviews and interviews, the monitoring team spot checked files from each teacher and all IEP's were present in student files.

Corrective Action: None

GENERAL SUPERVISION (2)

Issues requiring immediate attention

ARSD 24:05:25:04 Evaluation procedures

ARSD 24:05:25:26.01 Reevaluation

A school district shall ensure a child is assessed in all areas related to the suspected disability and evaluation procedures include a wide variety of assessment tools and strategies to gather relevant functional and developmental information about the child including information provided by parents, which may assist in developing the content of the child's IEP.

A student file review completed by the monitoring team indicated no formal evaluation was available in the student file for a child with a multiple disability. A reevaluation must be completed to support placement in the area of multiple disability.

A student file review completed by the monitoring team indicated a reevaluation was completed 10-05 but did not include an evaluation in the area of behavior. According to the multidisciplinary team report, the student qualified for oral expression and listening comprehension, however, there were no goals for listening comprehension and oral expression. Observations and present levels of performance include information about the students' behavior and the team developed behavior goals however, no evaluation in the area of behavior was available in the file.

A student file review completed by the monitoring team indicated a review of existing data was completed 9-19-05 which noted behavior concerns. The file information indicated the student was diagnosed with ADHD (2002); however, no behavior evaluation was completed in the 2005 reevaluation.

A student file review completed by the monitoring team indicated a reevaluation was completed 12-11-03. The disabling condition reported on the child count was not substantiated by the documentation within the file. The district must reconvene the student's IEP /evaluation team and determine eligibility based on new reevaluation information.

A student file review completed by the monitoring team indicated no three year reevaluation was completed for a student listed on the 2004 child count as speech language (550).

Follow-up: December 11 and 12, 2007

Finding:

Student files reviewed by the monitoring team indicated a student was listed on the 2006 child count as developmental delay (570) and was changed on the 2007 child count to speech language, (550) however, the team did not follow-up on the recommendation in the file to complete an intelligence test to determine cognitive ability. The Battelle Developmental Inventory score for cognitive ability was 59. (13) In addition, the monitoring team noted the need for a complete audiological recommended in a student file. There was no evidence to indicate this evaluation was completed to determine the level of hearing loss in the right ear and the appropriate eligibility category. (9)

The monitoring team noted a child placed on the child count as Other Health Impaired and diagnosed with ADHD was not evaluated in the area of behavior. There was no IEP meeting following the reevaluation. (16)

Prior to turning age 6 a student must be reevaluated to determine eligibility in one of the twelve categories other than developmental delay. In a student file, there was no documentation in the file to show a change of category at age six for the current child count. (18) The monitoring team noted in one student file, there was no current complete IEP written to fulfill all content requirements for a student turning 6. (8)

Corrective Action: Document the specific activities and procedures that will be implemented and the data/criteria that will be used to verify compliance.	Timeline for Completion	Person(s) Responsible	(SEP Use Only) Date Met
Activity/Procedure: The district will review, complete follow-up evaluations and schedule and conduct a meeting to determine the eligibility category. (8,9,13,16,18) Data Collection: The district will review the evaluation procedures and data for all students in the categories noted above. The district will submit a chart listing each file reviewed, the students disability reported on child count, the date of the most recent evaluation, the districts determination of the disability category, the corrective action taken for errors noted: reevaluate, correct eligibility category, amend eligibility determination, conduct meeting and the date the corrective action was completed.	April 1, 2008	Special education director, special education staff, evaluation teams.	

3 month Progress Report:
6 month Progress Report:
9 month Progress Report:

ARSD 24:05:25:04 Evaluation procedures

The monitoring team notes the policy at the primary level is to send a hearing re-check notice at the beginning of the year to inform parents of annual/semi annual hearing screenings. These screenings are provided for all special education students. If the screening is not passed, it is the policy to do an evaluation. If additional issues remain a referral is sent to the parents to follow up on. However, Indian Health Services provides the evaluations. Written consent is not obtained for the screenings or evaluations and there is no consistent follow through by the district on the medical referrals.

Follow-up: December 11 and 12, 2007

Finding: Meets Requirement

Since the last on-site monitoring review, the district has developed policy with procedures if a student does not pass a hearing screening. Training pertaining to the policy was provided to all staff involved in annual/semi annual hearing screenings.

Corrective Action: None

3 month Progress Report:
6 month Progress Report:
9 month Progress Report:

ARSD 24:05:27:21 Transition to preschool program.

Each local district shall develop policies and procedures for transition of children participating in the early intervention program under Part C of the Individuals with Disabilities Education Act (IDEA) who are eligible for participation in preschool programs under Part B of IDEA. The district shall provide the family with information on the eligibility and evaluation requirements under Part B of Individual with Disabilities Education Act, including the parents' and district's rights regarding procedural safeguards.

Students transitioning from Part C to Part B of IDEA must be evaluated in all areas related to the suspected disability.

Follow-up: December 11 and 12, 2007

Finding: The monitoring team determined students transitioning from Part C of the Individuals with Disabilities Education Act to Part B of IDEA are currently evaluated to determine eligibility, however, there was no consent for initial placement in one student file. (12)

Corrective Action: Document the specific activities and procedures that will be implemented and the data/criteria that will be used to verify compliance.	Timeline for Completion	Person(s) Responsible	(SEP Use Only) Date Met
Activity/Procedure: The district will schedule and conduct a meeting for the purpose of obtaining initial consent for placement. Data Collection: The district will review procedures for obtaining initial consent for placement with IEP teams and submit the total number of initial placement for children turning three and the number for which consent was	April 1, 2008	Special Education Director, special education staff	

obtained.			
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3 month Progress Report:

6 month Progress Report:

9 month Progress Report:

ARSD 24:05:25:04(5) Evaluation procedures

A school district shall ensure, at a minimum, that evaluation procedures include the following. A variety of assessment tools and strategies are used to gather relevant functional and developmental information about the child including information provided by the parents to determine eligibility and the content of the IEP.

Through the review of student records, eight files did not include functional assessment. The district staff did not consistently include functional information in the evaluation process by gathering, analyzing and developing a written summary of strength and needs for specific skills areas affected by the student disability. The student's present levels of academic performance, their progress in the general curriculum or development of annual goals and short-term objectives therefore did not link to evaluation.

Follow-up: December 11 and 12, 2007

Finding: Meets Requirement

Corrective Action: None

ARSD 24:05:30:15 Surrogate parents

A surrogate parent is assigned to ensure that the rights of a child are protected if no parent can be found or if the child's parental rights have been terminated. A surrogate parent is afforded all rights that a parent is eligible for under this article. A surrogate parent may not be an employee of a public agency (i.e. DSS, DOC, etc.).

Through interviews and file reviews, the monitoring team determined a need for the appointment of a surrogate parent. The district did not have a list of potential surrogate parents available.

Follow-up: December 11 and 12, 2007

Finding: Meets Requirement

The district has developed a list of potential surrogate parents and provided training.

Corrective Action: None

ARSD 24:05:27:01.03 Content of individualized education program

Each student's individualized education program shall include a statement of the student's present levels of educational performance, including: (a) how the student's disability affects the student's involvement and progress in the general curriculum or (b) for preschool students, as appropriate, how the disability affects the student's participation in appropriate activities; (c) for students with disabilities who take alternate assessments aligned to alternate achievement standards, a description of benchmarks or short-term objectives; (2) A statement of measurable annual goals, including academic and functional goals, designed: (a) meeting the student's needs that result from the student's disability to enable the student to be involved in and progress in the general education curriculum; and (b) meeting each of the student's educational needs that result from the student's disability.

Present levels of performance must contain the student's strengths, needs, effect of the disability on the student's involvement and progress in the general curriculum and parent input. In 10 files the present levels of performance were missing one or more of the above requirements.

Short term objectives or annual goals need to have conditions, performance and criteria listed. The short term objectives must be linked to the annual goals. Objectives should be student centered and skill bases. Annual goals need to be observable and reasonable to attain in one year. In the speech files at the upper elementary building, the goals were not skill specific and at the high school level standards based goals are written. Example: "When given an assignment, the student will be able to use a variety of algebraic concepts and methods to solve problems in 4 out of 5 trials with 80% accuracy." "When given an assignment the student will be able to evaluate patterns of organizations, literary elements and literary devices within various texts in 4 out of 5 trials with 80% accuracy." In 5 files short term objectives did not include the condition or the criteria.

Justification for placement must include an explanation of the extent, if any, to which the student will not participate with nondisabled students in the regular classroom. The monitoring team determined special education staff does not have a clear understanding how to pursue writing justification for placement statements. In 11 files the justification statement did not follow the accept/reject method or was left blank. Examples:

- "The student will participate in the same activities as non-delayed peers."
- "The student needs one on one instruction so the pull out method is beneficial."
- "The student may feel self conscious about being out of the classroom away from peers but it will pay off by reducing distractions."

Follow-up: December 11 and 12, 2007

Finding: The monitoring team determined justification for placement either did not follow the accept/reject method or staff left the space blank. Staff does not have a clear understanding about writing justification for placement statements. (1,4,11,12,17,18)

The monitoring team also determined annual goals did not include a condition.

(9,10,11,12,15,17,18) Present levels of academic and functional performance did not include parental input in two student files. (9,15) In two student files, annual goals were not linked to present levels of academic and functional performance. The IEP included a counseling goal, however the present levels of performance did not include any information to support the need for such a goal and under consideration of special factors the team checked behavior does not impede learning. (1) In another file, counseling was listed as a related service but the IEP did not include a goal to show the need for counseling as a related service. (4)

The monitoring team spot checked thirty files to determine if student assessment accommodations align with those provided for daily instruction. In thirteen of thirty files reviewed, the monitoring team determined accommodations did not align with daily instruction, frequency and location were not specified, and/or accommodations or modifications were not listed on the goal page. (2,3,4,5,7,15,16,17,20,21,23,27 and 30)

Corrective Action: Document the specific activities and procedures that will be implemented and the data/criteria that will be used to verify compliance.	Timeline for Completion	Person(s) Responsible	(SEP Use Only) Date Met
Activity/Procedure: The district will review files of all student IEP's to ensure present levels of academic and functional performance include parental input, annual goals linked to present levels of academic and functional performance, justification for placement, consideration of special factors (behavior impedes learning), goals for counseling, need for counseling	April 1, 2008	Special Education Director and special education staff including	

as a related service and the documentation and alignment of modification and accommodations for state and district wide assessment. Data Collection: The district will review student IEP's and submit a chart listing each file reviewed and the data necessary to support the above areas for each student file.		evaluators.	
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3 month Progress Report:

6 month Progress Report:

9 month Progress Report:

ARSD 24:05:27:01.02 Development, review and revision of IEP

In developing, reviewing, and revising each student's individualized education program, the team shall consider the strengths of the student and the concerns of the parents for enhancing the education of their student, the results of the initial or most recent evaluation of the student, the academic, developmental, and functional needs of the student, and as appropriate, the results of the student's performance on any general state or district-wide assessment programs. The individualized education program team also shall: (1) In the case of a student whose behavior impedes his or her learning or that of others, consider, the use of positive behavioral supports and other strategies to address that behavior. In 6 files reviewed, the question "Does the student's general classroom behaviors impede learning?" was either left blank, indicated behavior does not impede learning although the student was on the child count as emotionally disturbed (505) or was checked yes with no positive behavioral support listed.

A student's IEP must include the projected date for the beginning of the services and modification described in this section and the anticipated frequency, location, and duration of those services and modifications. Cheyenne-Eagle Butte Cooperative School developed a form for the documentation of modifications and accommodations. The monitoring team determined the form does not include a way to effectively document how modifications and accommodations relate to state and district wide assessment.

Follow-up: December 11 and 12, 2007

Finding: Meets Requirement

Corrective Action: None

DISPROPORTIONALITY

Follow-up: None required

Finding: Meets Requirements

Corrective Action: None